

# INDEX-DIGEST

TO THE EDITORIALS, NOTES OF RECENT DECISIONS, LEADING ARTICLES, ANNOTATED CASES, LEGAL NEWS, CORRESPONDENCE AND BOOK REVIEWS IN VOL. 86.

A separate subject-index for the "Digest of Current Opinions" will be found on page 464, following this Index-Digest.

## ALIENS.

discrimination against aliens employed on public works and licensed to carry on business subject to regulation, 385.  
right of alien enemy to sue in our courts, 277.

## ANIMALS,

see CARRIERS OF LIVE STOCK.

## APPEAL AND ERROR.

argument appealing to Christianity on a criminal case, 332.  
reversal as to one of two conspirators and affirmance as to the other, 169.  
stare decisis as a rule of decision, 338.

## ARMY AND NAVY.

see MILITARY LAW.  
lawyers as soldiers, 100.

## ASSAULT AND BATTERY.

elements of damages in instructions to jury, 223.

## ATTORNEY AND CLIENT.

duty and liability of attorney in regard to his knowledge of law, 444.  
lien in excess of sum for which client settles suit, 315.  
statement by attorney as malicious attack on courts, 294.  
wrong ethical view as to reason for refusal to admit to practice, 333.

## BANKRUPTCY.

right of rescission by seller shortly before adjudication, 133.

## BANKS AND BANKING.

acquiescence by depositor in bank paying stolen check, 78.  
life tenant stockholder in bank liable to depositors as absolute owner, 451.  
trover by payee of check paid by bank on insufficient indorsement, 79.

## BAR ASSOCIATIONS.

bar association meetings for 1918—when and where to be held, 233, 307, 342, 396.  
organization of the Camp Johnston Bar Association, 324.  
program for the meeting of the Arkansas Bar Association, 324.  
program for the meeting of the Arkansas Bar Association, 360.  
notice of meeting of the Hawaii Bar Association, 360.  
program of the meeting of the Illinois Bar Association, 396.  
program for the meeting of the Indiana Bar Association, 434.  
program for the meeting of the Iowa Bar Association, 434.  
program for the Michigan Bar Association, 434.

notice of annual meeting of the Mississippi Bar Association, 287.  
program for the meeting of the New Hampshire Bar Association, 433.  
program for the meeting of the New Jersey Bar Association, 397.  
program for the meeting of the Texas Bar Association, 433.  
report of the meeting of the Kansas Bar Association, 232.  
report of the meeting of the Louisiana Bar Association, 342.

## BENEFIT SOCIETIES.

clause for compensation for injury according to systematic benevolence of society, 241.  
color blindness as equivalent to blindness, 78.  
foreign fraternal associations as being or not insurance companies, 393.  
retrospective operation of by-laws, 115.

## BIOGRAPHY.

death of William Lawrence Clark, 324.  
Dr. Collier becomes a university president, 325.

## BILLS AND NOTES.

giving of check as an assignment of funds in hands of drawee, 431.  
liability of carrier to bona fide holder of bill of lading negligently or fraudulently issued, 415.  
note payable to maker's own order and not indorsed, 2.  
reference to another agreement as affecting negotiability of note or check, 194.  
restrictive words destroying negotiability, 249.

## BOOKS RECEIVED.

33, 107, 125, 251, 287, 307, 361, 435.

## BOOK REVIEWS.

reviews of encyclopedias,  
Corpus Juris, Volumes 8 to 12, 70; Volume 13, 360.  
reviews miscellaneous,  
Billson's Equity in Its Relation to Common Law, 142.  
reviews of statutes,  
United States Statutes Annotated, Vol. 5, 106.  
reviews of text books,  
Black on Income and Other Federal Taxes, 52.  
Bowers on the Law of Conversion, 88.  
Clark's Criminal Procedure, second edition, 197.  
Collier on Bankruptcy, 11th edition, 125.  
Collier on Public Service Companies, 160.  
Costigan's Cases on Legal Ethics, 32.  
Hall's Outline of International Law, 397.  
Schouler on Personal Property, 5th edition, 360.  
Whitley on Bills, Notes and Checks, 343.  
Zollner's Federal Appellate Jurisdiction and Procedure, 88.

**CARRIERS OF GOODS,**

- does an act of God excuse a carrier where there has been unreasonable delay in transporting, 316.
- liability of carrier to bona fide holder of bill of lading negligently or fraudulently issued, 415.
- reparation claim not affected by shipper charging extra freight to customers, 114.

**CARRIERS OF LIVE STOCK,**

- construction of the thirty-six-hour statute, 405.
- validity of state quarantine laws and regulations as applied to interstate commerce, 62.

**CHARITIES,**

- certainty of purpose in devise, 443.
- no liability for negligence of nurse a rule of property in Pennsylvania, 278.

**COMMERCE,**

- advertisements in newspapers printed in foreign state violating local policy, 114.
- employees engaged in interstate commerce as declared by the United States Supreme Court, 3.
- intent by shipper as taking goods from under commerce clause, 425.
- intoxicating liquors in transit through prohibition state, 151.
- sales and deliveries of articles in interstate commerce losing or retaining their interstate character, 250.
- validity of state quarantine laws and regulations as applied to interstate commerce, 62.

**CONFLICT OF LAWS,**

- enforcement of obligation against wife void under law of domicile but valid at place of contract, 203.
- legitimizing statutes recognized in other states than that of domicile, 131.
- presuming foreign statute makes same exceptions as statute of forum, 435.
- presumption of law of foreign state in absence of evidence, 426.

**CONSTITUTIONAL LAW,**

- see **COMMERCE**,
- aid by state to religious institution, 22.
- arrest in another state than where alleged offense has been committed, 79.
- constitutionality of selective draft law, 386.
- constitutionality of statute predicated lien on property leased for saloon purposes on judgment against lessee sued solely, 313.
- democracy under constitutional limitations, 370.
- discrimination against aliens employed on public works and licensed to carry on business subject to regulation, 385.
- inquiry into shipment of liquor for personal use, 41.
- price-fixing restrictions in the sale of patented articles, 275.
- provision as to style of process being mandatory on directory, 40.
- punctuation as guide in interpretation of statute, 277.
- unconstitutionality of the child labor act, 441.

**CONSTRUCTION,**

- punctuation as a guide in interpretation of statute, 277.

**CONTEMPT,**

- inquiry into all the facts of an alleged contempt in the face of the court, 167.

**CONTRACTS,**

- acts in emergency substitute for efficient course, 169.

- agreement not to marry during life of donor incidental, 168.
- condition in restraint of alienation, 425.
- disloyal utterances ground for nullifying contract with student by college, 149.
- impossibility of performance by reason of change of circumstances, not provided for, as a defense to an action for breach of contract, 423.
- private contracts and state requisitions, 170.
- recovery by plaintiff notwithstanding participation in fraud, 61.
- the war and contracts—economic impossibility excusing breach, 224.
- war prices excusing performance of executory contracts, 349.

**COPYRIGHT LAWS,**

- see **LITERARY PROPERTY**.

**CORPORATIONS,**

- bonuses for corporate officials, 208.
- dangers to be avoided in the organization of so-called Massachusetts Trusts, 286.
- implied power as to guaranty and suretyship, 387.
- liability of director for neglect of duty, 369.
- liability of stockholders of de facto corporation, 443.
- right of one also stockholder in rival concern to investigate books, 241.
- serving officer of corporation away from domicile thereof, 303.
- unconscionable contract not binding though freely made, 205.

**COURTS,**

- court opinions and reports, 428.
- industrial courts, 32.
- memorial on reducing number and length of judicial opinions, 269.
- reorganization of the judicial administration of justice, 406.
- stare decisis as a rule of decision, 388.

**CRIMINAL LAW,**

- adjourning court to the home of a witness in a criminal case, 377.
- instructions curing error in wrongful admission of evidence, 187.
- place of holding court, 453.
- presumption of good character of defendant in a criminal case as evidence in his favor, 212.
- proof of venue in a criminal case not to be beyond reasonable doubt where only local jurisdiction is involved, 113.
- suppression of evidence in criminal case creating presumption against defendant, 50.

**CROSS EXAMINATION,**

- dangers of cross examination, 206.

**DAMAGES,**

- claim for damages by shipper against carrier not affected by charging excess freight to customer, 114.

**DEAD BODIES,**

- autopsy by official required to certify cause of death, 350.

**DECENDENTS' ESTATES,**

- bringing into hotchpot advancements as barred by statute of limitations, 160.

**DESCENT AND DISTRIBUTION,**

- waiver by widow of portion of estate vested in her by statute, 314.

**DIVORCE,**

- decree in another state as presumptive evidence in prosecution, 97.

- decree as to land in another state, 150.  
jurisdiction over child because of its presence in state while its mother is suing for divorce upon constructive service, 185.  
indignities as constituting cruel and abusive treatment, 259.  
modification of decree in divorce applies only to what concerns the future, 85.
- DURESS,**  
right to recover money paid for suppression of criminal prosecution, 96.
- EMINENT DOMAIN,**  
definiteness in pointing out property subject to eminent domain, 352.  
recovery for discontinuance of proceedings in condemnation, 29.
- EMPLOYERS' LIABILITY ACT,**  
see **WORKMEN'S COMPENSATION ACT,**  
see **INDEMNITY INSURANCE.**  
affirmance of judgment contingent on reduction of amount, 442.  
employees engaged in interstate commerce as declared by the United States Supreme Court, 3.  
state statute or city ordinance as evidence of negligence under federal employers' liability act, 403.
- ESPIONAGE,**  
non-mailable matter under espionage act, 132.
- ESTOPPEL,**  
withdrawal by indemnity company from defense of assured, 69.
- EVIDENCE,**  
competency in federal courts of wife against husband under white slave act, 257.  
suppression of evidence in criminal case creating presumption against defendant, 50.
- FEDERAL EMPLOYERS' LIABILITY ACT,**  
see **EMPLOYERS' LIABILITY ACT.**
- FEDERAL COURTS,**  
see **REMOVAL OF CAUSES.**
- FRAUD,**  
recovery by plaintiff notwithstanding participation in fraud, 61.
- FRAUD AND DECEIT,**  
action against father for misrepresenting age of minor child, 369.
- FRAUDS, STATUTE OF,**  
enforceability in another state of contract there within the statute of frauds, 11.
- HABEAS CORPUS,**  
res judicata as applicable to judgment in habeas corpus for custody of child, 229.  
summary action in detention of alien enemies, 222.
- HOURS OF SERVICE ACT,**  
existence of war affecting liability under hours of service act, 204.
- HUMOR OF THE LAW,**  
13, 33, 53, 71, 89, 107, 125, 143, 161, 179, 197, 215, 233, 251, 269, 287, 307, 325, 343, 361, 379, 417, 435, 453.
- INCOME TAX,**  
stock issued on account of increased value of assets not taxable as income, 60.
- INDEMNITY INSURANCE,**  
construction of fidelity bond as to meaning of "embezzlement," 223.  
interest and costs in appeal added to maximum indemnity, 2.  
interest on indemnity policy after judgment where indemnitor requires appeal, 266.
- INDIANS,**  
right of way through Indian country to railroad station, 405.
- INHERITANCE TAXATION,**  
providing funds through insurance for paying estate or inheritance taxes, 353.
- INJUNCTION,**  
avoiding multiplicity of suits in enforcement of penal ordinances, 133.
- INSURANCE,**  
see **BENEFIT SOCIETIES.**  
see **INDEMNITY INSURANCE.**  
see **LIFE INSURANCE.**
- INTERNATIONAL LAW,**  
recourse by owner of property appropriated by revolutionary leader, 259.  
waiver of sovereignty by foreign government bringing suit, 253.
- INTOXICATING LIQUORS,**  
see **COMMERCE.**  
see **MUNICIPAL CORPORATIONS.**  
ordinance requiring inspection of liquor shipments in interstate commerce, 333.  
right of a state to prohibit circulation of newspapers containing advertisement of intoxicating liquors, 114.  
traveler carrying as part of personal baggage, 186.
- JUDGES,**  
judges as specialist and quasi-commissioners, 331.  
recall of judges and impeachment, 242.
- LABOR UNIONS,**  
right of labor union to prescribe minimum number of employees in a business or enterprise, 239.  
right of a labor union to induce its members to compel an employer to unionize his business, 39.
- LANDLORD AND TENANT,**  
eviction because of ungentlemanly conduct of other tenant, 97.
- LARCENY,**  
appropriation by consumer of water from pipe of public service company, 187.  
possession of stolen property recently stolen as presumption of law of fact, 316.
- LAW AND LAWYERS,**  
Bacon's Prophecy, 80.  
Baron Reading on Technicalities of the Law, 197.  
lawyers as soldiers, 100, 213.  
the lawyer's duty and potential power, 59.  
taking care of the business of the lawyer who has gone to war, 239.  
what shall lawyers do to win the war, 19.
- LEGAL ETHICS,**  
see **PROFESSIONAL ETHICS.**

**LIBEL AND SLANDER,**

libeling a class as criminal libel, 334.

**LIFE ESTATES,**

life tenant stockholder in bank liable to depositors as absolute owner, 451.

**LIFE INSURANCE,**

life insurance for the benefit of wife or children—the case of *Arnold v. Dominion Trust Company*, 245.  
torpedo by submarine causing injured to drown when attempting to escape, 132.

**LIMITATION OF ACTIONS,**

bringing into hotchpot advancements barred as by statute of limitations, 160.

**LIMITATIONS,**

right of federal court sitting in equity to disregard statute of limitations, 404.  
limitations of the treaty-making powers of the president of the United States with the concurrence power of the senate—the application of these principles to the controversy with Japan and the California land laws, 138.

**LITERARY PROPERTY,**

qualified rights of addressee in letters as literary property, 1.

**MARRIAGE,**

annulment in courts of another state for cause contrary to its policy, 234.

**MASTER AND SERVANT,**

see **EMPLOYERS' LIABILITY ACT**.  
see **HOURS OF SERVICE ACT**.  
see **TWENTY-EIGHT-HOUR LAW**.  
assaults on employe when in course of employment under workmen's compensation act, 356.  
distinction between duties devolved by law and those by contract as excused by act of God, 124.  
enticing servant away from employment, 340.

**MILITARY LAW,**

exemption of ministers from military service, 98.  
right of alien enemy to sue in our courts, 277.  
summary action in detention of alien enemies, 222.  
war legislation, 116.

**MORTGAGES,**

decisions of the British courts on the position of mortgages during war, 426.

**MUNICIPAL CORPORATIONS,**

discrimination against aliens employed on public works and licensed to do business subject to regulation, 385.  
franchise granted by municipality to a public service company as being contractual in nature, 367.  
ordinance fixing rates for public utility not contract free from impairment, 240.  
ordinance requiring inspection of liquor shipments in interstate commerce, 333.  
power of municipality having right to license or prohibit sale of intoxicating liquor, to aim at the latter under guise of prohibitory license law, 152.  
supplying coal and wood to inhabitants at cost, 21.  
validity of ordinance regulating height of buildings, 41.

**NEGLIGENCE,**

acts in emergency substitute for efficient course, 163.  
confusion of the terms "proximate" and "direct," 226.  
last clear chance doctrine where duty to look would have avoided injury, 69.  
liability of druggist for negligence in sale or computing of drugs, 295.  
safeguards for children against attractive lures, 404.

**NUISANCE,**

negligence by contractor in repair of a highway, 351.

**PARENT AND CHILD,**

burden of proof on stranger furnishing support to child, 315.  
jurisdiction over child because of its presence in state while its mother is suing for divorce upon constructive service, 185.  
legitimizing statutes recognized in other states than that of domicile, 131.  
right of parent to recover for death of child employed without former's consent, 221.

**PARTIES,**

right of alien enemies to sue in our courts, 277.

**PARTNERSHIP,**

liability of stockholders of de facto corporation, 443.

**PATENT LAWS,**

price-fixing restrictions in sale of patented articles, 275.

**POST OFFICE,**

non-mailable matter under espionage act, 132.

**PRIVATE INTERNATIONAL LAW,**

see **CONFLICT OF LAWS**.

**PROCESS,**

provisions as to style of process being mandatory on directory, 40.

**PROFESSIONAL ETHICS,**

decisions by the New York County Lawyers' Association Committee on Professional Ethics, 52, 87, 106, 178, 306, 358.  
is the question of legal ethics an economic question, 293.  
wrong ethical view as to reason for refusal to admit to practice, 333.

**PUBLIC HEALTH,**

liability of vendor of impure food to injured consumer, 134.

**PUBLIC POLICY,**

agreement not to marry during life of donor incidental, 168.  
recovery by plaintiff notwithstanding participation in fraud, 61.

**PUBLIC SERVICE CORPORATIONS,**

damages for discrimination between competitors, 337.  
franchise granted by municipality to a public service company as being contractual in nature, 367.

**PUBLIC UTILITIES,**

see **PUBLIC SERVICE CORPORATIONS**.

**PURE FOOD AND DRUGS ACT,**

liability of druggist for negligence in sale or compounding of drugs, 295.  
liability of vendor of impure food to injured consumer, 134.

**RAILROADS,**

see **TWENTY-EIGHT-HOUR LAW**.  
guard rails on bridges—necessity and sufficiency, 273, 325.

**REMOVAL OF CAUSES,**

test in suits under Federal Employers' Liability Act after verdict, 295.

**SALES,**

liability of carrier to bona fide holder of bill of lading negligently or fraudulently issued, 415.  
use of property after tender as waiver of rescission, 177.  
vesting of title in consignee by delivery to common carrier, 141.  
state officer not immune from suit charging neglect of duty, 283.

**SUCCESSION TAX,**

see **INHERITANCE TAXATION**.

**TAXES,**

see **INCOME TAX**.  
see **INHERITANCE TAX**.  
stock dividend as taxable income, 104.

**TITLE REGISTRATION,**

a new convert to the Torrens System, 324.  
progress of the Torrens System of land registration, 352.

**TORRENS SYSTEM,**

see **TITLE REGISTRATION**.

**TORTS,**

liability of druggist for negligence in sale or compounding of drugs, 295.  
liability of vendor of impure food to injured consumers, 134.

**TREATIES,**

limitations of the treaty-making powers of the President of the United States with the concurrence power of the Senate—nature and extent of these powers, 173, 188.

**TRIAL,**

separation of mixed juries, 205.

**TRUSTS AND TRUSTEES,**

dangers to be avoided in the organization of so-called Massachusetts trusts, 386.  
sale to trustee of an express trust as creating personal liability, 77.

**TWENTY-EIGHT-HOUR LAW,**

the twenty-eight-hour law as construed in penal actions, 22, 42.

**WAR,**

see **CONTRACTS**.  
see **MILITARY LAW**.  
a warning against the centralizing tendencies of war legislation, 352.  
British war emergency legislation—restrictions on rent and mortgages, 333.  
constitutionality of selective draft law, 386.  
decisions of the British courts on the position of mortgages during war, 426.  
existence of affecting liability under hours of service act, 204.

**WARRANTIES,**

liability of vendor of impure food to injured consumers, 134.

**WEEKLY DIGEST OF IMPORTANT OPINIONS,**

14, 34, 54, 72, 90, 108, 126, 144, 162, 180, 198, 216, 234, 252, 270, 288, 308, 326, 344, 362, 380, 398, 418, 436, 454.

**WITNESSES,**

eligibility in federal court of witness convicted of infamous crime in state court, 95.

**WORKMEN'S COMPENSATION ACT,**

elective act applies to non-resident employe injured in another state, 150.  
injury to third person assisting servant, 22.



# SUBJECT-INDEX

TO ALL THE "DIGESTS OF CURRENT OPINIONS" IN VOL. 86.

This subject-index contains a reference under its appropriate head to every digest of current opinions which has appeared in the volume. The references, of course, are to the pages upon which the digest may be found. There are no cross-references, but each digest is indexed herein under that head for which it would most naturally occur to a searcher to look. It will be understood that the page to which reference, by number, is made, may contain more than one case on the subject under examination, and therefore the entire page in each instance will necessarily have to be scanned in order to make effective and thorough search.

- Abatement and Revival—Lex Loci Fori, 288.
- Accord and Satisfaction—Evidence, 234.
- Acknowledgment—Husband and Wife, 162.
- Adjoining Landowners—Excavations, 108.
- Adoption—Evidence, 436; Inheritance, 162; Specific Performance, 398.
- Adverse Possession—Acts of Ownership, 308; Adverse Claim, 326; Color of Title, 34, 144; Continuity, 34; Emancipated Slave, 380; Evidence, 90, 326; Improvements, 270; Intent to Claim, 344; Landlord and Tenant, 72; Occasional Acts, 270; Prescription, 144, 234; Presumption, 54; Statute of Limitations, 108, 326, 454; Sufficiency of Possession, 54, 72.
- Agriculture—False Branding, 288.
- Alteration of Instruments—Detaching Part, 288; Filling Blanks, 112, 288; Materiality, 362.
- Animals—Contagious Disease, 72; Damages, 54; Jury Question, 144; Promulgating Rules, 14; Running at Large, 126.
- Appeal and Error—Appearance, 180; Statutory Construction, 454.
- Arbitration and Award—Attacking Award, 54; Estoppel, 216; Subject Matter, 108.
- Army and Navy—Enlistment, 216.
- Arrest—Exhibiting Warrant, 362.
- Assault and Battery—Accidental Collision, 252; Arrest Without Warrant, 380; Collision, 162; Deadly Weapon, 326; Evidence, 326; Force Against Entry, 90; Injury to Social Position, 252; Justification, 344; Lawful Resistance, 288; Peace Officer, 308; Shooting at Another, 126.
- Assignments—Laches, 308; Personal Right, 308; Premium Coupons, 180; Receivership, 252; Unfinished Work, 362; Validity, 454; Waiver, 308.
- Assignment for Benefit of Creditors—Management, 162.
- Associations—Condition Precedent, 288; Ratification, 344.
- Attachment—Attachable Claim, 234; Attorney's Lien, 454; Desert Claim, 162; Dissolution, 270; Husband and Wife, 398; Levy, 380; Mitigation of Damages, 14; Return, 216; Special Attachment, 90.
- Attorney and Client—Accounting to Client, 398; Admissions of Record, 126; Admission to Bar, 288; Appointment, 162; Associate Counsel, 216; Attorney's Fee, 90, 270; Attorney's Lien, 144, 308; Authority of Attorney, 380; Burden of Proof, 14; Compensation, 144, 162, 198, 288, 326; Consent Decree, 398; Contingent Fee, 54, 216, 308, 362, 454; Contract, 126; Disbarment, 34, 54, 72, 90, 180, 234, 270, 288, 454; Discharge, 54, 382; Equitable Assignment, 234; Estoppel, 326; Evidence, 34, 180, 216; Impropriety, 398; Imputability, 380, 418; Misconduct, 14, 72, 308; Principal and Agent, 362; Private Detective, 162; Promoters, 180; Proof of Claim, 362; Quantum Meruit, 216; Ratification, 126; Relation, 34, 72, 252, 398; Services Rendered, 180; Stale Charge, 54; Suspension, 198, 308, 326; Unprofessional Conduct, 270; Waiver, 216.
- Automobile—Pedestrian's Negligence, 326.
- Bailment—Benefit of Bailor, 126; Burden of Proof, 162; Conditional Sale, 252; Expense by Bailee, 108; Gratuitous Bailee, 180, 380; Lien for Repairs, 252; Notice of Lien, 162.
- Bankruptcy—Adjudication, 270, 436; Allowance to Trustee, 14; Anticipatory Breach, 326; Appointment of Trustee, 270; Assignment, 34; Assignment for Creditors, 216; Attorney's Lien, 198; Bidder at Sale, 54; Burden of Proof, 180; Chattel Mortgage, 418; Claim, 14; Composition, 90, 108, 270, 344; Concealing Assets, 14; Conditional Sale, 198, 234, 454; Contract, 198; Corporation, 252; Court Rules, 418; Custody of Property, 14; Deposit of Gold Dust, 14; Discharge, 326; Dividends, 90; Equity, 486; Estoppel, 54; Exemption, 126, 270; Extinction of Debt, 234; False Representation, 126; Fraud, 180; Illegal Agreement, 380; Inchoate Interest, 418; Insolvency, 34, 344, 436; Insurance, 34, 418; Involuntary Petition, 326; Judicial Review, 90; Judgment Lien, 326; Jurisdiction, 326, 344; Liens, 90, 180, 198, 234, 344, 418; Mortgage, 14, 180, 436, 454; Participation by Claimants, 344; Petition for Review, 454; Preference, 14, 54, 72, 126, 216, 252, 270, 418, 436; Process, 344; Proof of Claim, 234, 252; Provable Claim, 454; Recording of Deed, 271; Referee, 126; Renouncing Intent, 380; Rescission, 198; Res Judicata, 216; Review of Findings, 34; Review of Orders, 180; Selection of Trustee, 271; Set-Off and Counterclaim, 14, 454; Special Commission, 234; Statement of Assets, 90; Stock Subscriptions, 34, 54; Summary Order, 198; Summary Proceedings, 234; Trustee, 162, 234, 454; Void Transfer, 418, 455; Waiver, 455; Wife as Bankrupt, 308; Withholding from Record, 344.

Banks and Banking—Assumption of Debt, 252; Cashier, 162; Certificate of Deposit, 144; Charging Back, 327; Charter, 144; Contract, 14; Conversion, 108; Corporation Guarantor, 308; Coupon Holders, 54; Damages, 34; Depositor, 126; Director of Corporation, 436; Dishonored Draft, 398; Distribution of Corporate Assets, 252; Dividends, 14; Draft, 162; Evidence, 288; Forgery, 216; Holder in Due Course, 327; Imputable Notice, 15; Insolvency, 198; Instructions, 271; Liability to Depositor, 72; Negligence, 216, 380; Notation on Check, 235; Notice, 162, 288, 327; Notice of Invalidity, 418; Officer de Jure, 217; Overdraft, 15; Principal and Agent, 235; Print and Writing, 327; Receiving Deposits, 344; Savings Bank, 144; Special Deposit, 126; Statutory Liability, 108; Stockholder, 54; Stockholder's Liability, 436; Subscription Contract, 235; Trover, 163; Unlawful Dividend, 90; Unlawful Loan, 180; Usage, 90; Usury, 436; Waiver, 327; Withdrawal, 34.

Benefit Associations—Local Councils, 90, 217.

Bills and Notes—Acceleration of Debt, 380; Accelerating Payment, 15; Admissibility of Evidence, 308; Assignment, 217; Attorney Fees, 72, 380; Bad Faith, 380; Burden of Proof, 198; Cancellation, 181; Certificate of Deposit, 15; Collateral, 398; Consideration, 198, 217, 252, 288, 436; Corporation, 163; Counterclaim, 308; Demand, 34; Equity, 181; Evidence, 126, 181, 398; Fictitious Person, 252; Filling Blanks, 163; Fraud, 34, 72, 344; General Demurrer, 253; Good Consideration, 126; Indorsement in Blank, 271; Innocent Purchaser, 15, 199, 308, 436; Irregular Indorsement, 362; Joint and Several Signers, 54; Joint Liability, 235; Laches, 34; Marginal Memoranda, 144; Negotiability, 345, 362, 380; Notation on Check, 235; Notice of Defect, 199; Notice of Dishonor, 345; Payment, 163; Pleading, 271; Presumption, 345; Public Policy, 398; Purchase Money, 381; Renewal, 54; Rescission, 398; Stated Account, 15; Waiver, 398; Want of Consideration, 309.

Bonds—Constitutional Law, 288.

Bridges—Maintenance, 54; Proximate Cause, 15; Speed Regulation, 90; Warranty, 253.

Brokers—Abandoning Agency, 144; Accounting, 181; Bad Faith, 90; Breach of Duty, 327; Commission, 108, 362; Contract, 253, 381; Dissolution of Firm, 288; Evidence, 437; Fraud, 108; Marketable Title, 253; Middleman, 181; Negligence, 418; Performance, 345, 398; Procuring Purchaser, 181, 235, 381; Single Agency, 345; Sub-Contract, 72; Warranty, 455.

Building and Loan Associations—Rate of Interest, 289; Withdrawals, 235.

Cancellation of Instruments—Equity, 253; Negligence, 199; Vendor's Lien, 91.

Carriers of Goods—Act of God, 271; Baggage, 418; Bill of Lading, 35, 217, 381, 395, 455; Carmack Amendment, 327, 399; Connecting Carrier, 327; Consignment, 362; Control by Shipper, 144; Custody of Law, 381; Delay, 362; Delivery, 418, 455; Demurrage, 144; Discrimination, 345; Estoppel, 163, 345; Evidence, 144, 399; Ignorance of Law, 209; Initial Carrier, 235; Insurer, 271; Limitation of Liability, 35; Limitation of Recovery, 181; Measure of Damages, 217; Misdelivery, 91; Monopoly, 163; Negligence, 72; Notice of Special Damage, 418; Notify Order, 309; Pleading and Practice, 72; Proximate Cause, 91, 271; Rates, 235; Ratification, 362; Refrigeration, 163; Remedial Law, 399; Reparation, 235; Seizure by Process, 327; Side Tracks, 235; Shipment, 455; Stating Value,

15; Switching Cars, 144; Tariffs, 217, 289; Terminal Carrier, 72; Transportation Charges, 199; 28-Hour Law, 455; Unloading, 253; Void Condition, 108; Warehouseman, 108; Waybill, 91.

Carriers of Live Stock—Allegata and Probata, 289; Burden of Proof, 289; Claim for Damages, 181; Damage in Transit, 55; Delay, 345; Insurer, 399; Limitation in Suit, 15; Negligence, 91; Notice, 181; Notice of Claim, 217; Notice of Shipment, 91; Ordinary Negligence, 15; Separation of Animals, 289; Special Service, 381; Stock Cars, 145; Stockyards, 253; Twenty-Eight-Hour Law, 345; Unloading, 437.

Carriers of Passengers—Act Constituting Relation, 253; Alighting, 91, 163, 181, 327, 399; Anticipating Injury, 127; Assault and Insult, 419; Baggage, 15, 73, 163, 437; Breach of Contract, 455; Care of Infant, 55; Common Knowledge, 181; Contributory Negligence, 35, 199, 217, 271; Crossing Accidents, 235; Defective Appliances, 345; Elevator in Building, 271; Employees, 91, 381; Evidence, 327; Gratuitous Passage, 73; Incompetent Employee, 181; Intending Passengers, 35, 91; Invitee, 437; Liability for Injury, 199; Licensee, 363; Maximum Rate, 217; Mileage Ticket, 163; Misinformation, 381; Negligence, 199, 253; Non-suit, 108; Ordinary Care, 127; Proximate Cause, 91; Redemption of Unused Tickets, 253; Relation of Passenger, 381, 419; Res Ipsa Loquitur, 15; Riding on Footboard, 235; Safe Place to Alight, 455; Trespasser, 91.

Cemeteries—Right of Burial, 309.

Champerly and Maintenance—Agreement to Pay Costs, 15; Alienation, 253; Possession, 15.

Charities—Liability for Servant's Acts, 363; Monument, 419; Wills, 73.

Chattel Mortgages—After-acquired Property, 253; Attesting Witnesses, 327; Bailment, 455; Bill of Sale, 381; Bona Fide Purchaser, 345; Constructive Notice, 419; Conversion, 289; Deficiency, 91; Deficiency on Sale, 399; Description of Property, 235, 253, 345, 381; Estoppel, 327; Fraud, 73; Growing Crops, 235; Injunction, 145; Irregular Foreclosure, 253; Justice of Peace, 145; Lien, 455; Notice, 199; Promissory Note, 455; Rescission, 91; Renewal, 327; Replevin, 419; Satisfaction of Record, 271; Unlawful Ejection, 108; Variance, 399.

Commerce—Admissibility of Evidence, 127; Bill of Lading, 73; Burden on, 109, 217, 345; Carriage of Mail, 15; Constitutional Law, 73; Criminal Law, 73; Employees, 55, 73, 91, 163, 235, 253, 289, 327, 399, 419, 437, 455; Excise Taxes, 345; Foreign Corporation, 399; Franchise Tax, 15, 419; Interstate, 127; Interstate Cars, 437; Interstate Employee, 363; Interstate Traffic, 381; Interstate Transaction, 253, 327, 345, 346, 399; Intoxicating Liquors, 109, 235; Meat Inspection, 91; Natural Gas, 145; Newspaper Publication, 181; Public Service Commission, 127, 217; Pure Food and Drugs, 217; Speed Ordinance, 163, 455; Spur Tracks, 55; Tax, 127; Workmen's Compensation Act, 55, 309; Work on Railroad, 145.

Common Carriers—Gratuitous Service, 363; Rates, 55.

Compromise and Settlement—Conclusiveness of, 437; Credits, 399.

Connecting Carriers—Hepburn Act, 399.

Conspiracy—Bribery, 346; Co-conspirators, 253; Evidence, 35, 455; Overt Acts, 235; Tort, 181.

Constitutional Law—Classification, 199; De Facto Government, 346; Delegation of Authority, 327; Due Process of Law, 55, 109, 145, 181, 217, 327; Elections, 327; Equal Protection, 381; Espionage Act, 109; Executive Departments, 437; Forfeiture, 235; Freedom of Speech, 217; Infancy, 145; Interest in Question, 91; Judicial Power, 455; Legislative Intent, 381; License, 346; Municipal Ordinance, 271; Obligation of Contract, 419; Police Power, 109; Political Department, 346; Principal and Surety, 327; Privileges and Immunities, 399; Public Contracts, 363; Public Service Commission, 15; Referendum, 346; Religious Freedom, 91; Rules of Evidence, 109; Sale of Liquors, 309; Selective Draft, 181; Special Privileges, 309; Statutory Law, 419; Suicide, 363; Sunday Law, 217; Taxation, 109; Telephone Companies, 437; Written Constitution, 419.

Contracts—Absolute Promise, 35; Acceptance, 455; Annulment, 236; Architects, 363; Attorney Fees, 381; Bonus, 236; Bribery, 308; Cesser of Authority, 217; Consideration, 145; Construction, 35; Entire Contracts, 35; Evidence, 145, 363, 381; Exclusive Rights, 163, 181; Execution, 218; Executory, 271; Fraud, 289, 399; Husband and Wife, 437; Illegality, 91, 145, 163, 419; Illiteracy, 399; Impossible to Perform, 271; Indemnity, 456; Intoxicated Party, 271; Lease, 218; Lien for Advances, 328; Modification, 346; Mutuality, 346, 399, 437; Partnership, 199; Performance, 309; Pleading and Practice, 73; Pledge, 328; Public Policy, 289, 399; Quantum Meruit, 92; Repairs on Property, 163; Resale, 236; Rescission, 127, 182; Restraint of Trade, 253; Solicitation by Agent, 199; Substantial Compliance, 15; Unilateral Contract, 73; Waiver, 328.

Contribution—Consideration, 199.

Conversion—Equity, 35, 399.

Corporations—Acceptance of Stock, 381; Acquiescence, 127; Assessment on Stock, 199; Assignment, 35, 199, 346; Bill of Sale, 437; Bondholders, 92, 199; Burden of Proof, 164; By-laws, 55, 73; Capital Stock, 289; Consideration, 164; Contract, 218; Conveyance, 363; Corporate Name, 289; Directors, 309, 456; Election of Officers, 381; Employment of Counsel, 92; Estoppel, 92, 109, 145; Evidence, 400; Executed Contract, 126; Expiration of Charter, 289; Foreign Corporations, 55, 145, 271, 346, 400; Gift, 217; Guaranty, 253, 456; Insolvency, 35, 199; Instructions, 55; Intervention, 73; Lien on Stock, 400; Meetings for Elections, 363; Mortgage, 328; Net Profits, 456; Organization, 328; Presumption, 328; Principal and Agent, 289; Promoter, 16, 73, 145, 181; Prospectus, 400; Ratification, 381, 437; Receiver, 35, 363; Sale of Stock, 127, 346; Sole Stockholder, 363; Special Meeting, 199; Stock as Collateral, 145; Stockholders, 199, 437, 456; Stockholders' Liability, 35, 346; Tender, 254; Transfer of Stock, 164; Trustee ex Maleficio, 181; Ultra Vires, 271; Watered Stock, 164.

Covenants—Building Restrictions, 127, 182, 456; Grantee and Successors, 456; Incumbrance, 55; Injunction, 437; Mutual Mistake, 382; Negative, 456; Quiet Enjoyment, 16; Restrictions, 272, 437; Void Deed, 419.

Creditor's Suit—Attachment, 182.

Customs and Usages—Evidence, 400; Immemorial Usage, 200; Parol Evidence, 289; Violation of Policy, 16.

Damages—Actual, 55; Anticipation of Injury, 200; Breach of Contract, 419; Breach of Duty, 309; Computation, 363; Earning Capacity, 236; Estimation of, 73; Evidence, 16, 164, 200, 325, 456; Impairment of Sight, 254; Interference with Work, 182; Intervening Agency, 218; Lessening Damages, 328; Measure of, 127, 200, 236, 437; Mental Suffering, 236, 346; Mitigating, 55, 145, 254; Nominal, 328; Penalty, 55; Pleading and Practice, 35; Public Policy, 456; Presumption, 109; Punitive, 16, 289; Special Damages, 289, 328; Violation of Contract, 109.

Dead Bodies—Autopsy by Officer, 456.

Death—Contributory Negligence, 218; Damages, 16; Evidence, 145; Last Clear Chance, 55; Pleading and Practice, 73; Right of Recovery, 145; Simultaneous, 16; Statute of Limitations, 200.

Dedication—Estoppel, 309; Implied Authority, 109; Injunction, 419; Intent, 92; Street Plat, 382.

Deeds—Acknowledgment, 145; Conditional Fee, 363; Condition Subsequent, 272; Consideration, 109, 437; Constructive Delivery, 145; Description of Land, 382; Equity, 437; Estate in Land, 363; Exception and Reservation, 382; Fee Simple Estate, 289, 309; Habendum Clause, 363; Heirs, 164; Inadequate Consideration, 146, 254; Incapacity to Contract, 289; Intent, 146, 363; Maps and Plans, 456; Quitclaim, 92; Recording, 328; Restriction, 346; Restriction on Buildings, 127; Sufficiency of Writing, 382; Undivided Interest, 127, 382; Undue Influence, 127, 218, 236, 309; Validity Between Parties, 146.

Depositions—Objections, 419.

Depositories—Trust Funds, 218.

Descent and Distribution—Murder of Intestate, 309; Personal Liability, 218.

Disorderly House—Common Bawdy House, 254.

Disturbance of Public Assemblage—Evidence, 400.

Divorce—Alimony, 35, 73, 382; Appeal and Error, 289; Collateral Attack, 419; Contempt, 73, 218, 236; Cruel Treatment, 109, 309; Custody of Child, 254; Decree in Rem, 56; Desertion, 16; Endangering Health, 182; Estoppel, 109; Evidence, 35; Habitual Drunkenness, 309; Jurisdiction, 218; Physical Violence, 328; Soliciting Return, 364; Waiver, 382.

Domicile—Residence, 419; Transfer Tax, 35.

Dower—Estoppel, 236; Inadequate Consideration, 92; Land in Another State, 272; Presumption, 346; Seisin, 182.

Drainage—Plans and Specifications, 92.

Druggists—Warranty, 182.

Easements—Appurtenant, 437; Building, 56; Equity, 218; Footpath, 419; Injunction, 437; Irrevocable License, 382; Permissive Use, 236; Prescriptive Use, 290; Prescription, 438; Right of Way, 346, 400.

Ejectment—County Map, 310; Joinder of Parties, 200; Pleading and Practice, 310.

Election—Domicile, 182.

Election of Remedies—Bar, 56; Evidence, 456; Honest Mistake, 146.

Electricity—Anticipation of Injury, 109; Contributory Negligence, 182; Demurrer, 218; Discontinuing Service, 346; Public Service



- Company, 382; Res Ipsa Loquatur, 73, 92; Trespasser, 456; Volunteer, 328; Warning, 73.
- Eminent Domain**—Abandonment, 92, 236; Abutting Owner, 16; Agreement on Compensation, 56; Amending Judgment, 127; Benefits and Damages, 419; Condemnation Proceedings, 74; De Facto Officer, 382; Due Process of Law, 164; Esthetic Theory, 109; Evidence, 127, 146; General Appearance, 35; High Water Mark, 16; Necessary Property, 218; Procedure, 382; Public Use, 254, 272; Right of Way, 456; Similar Public Use, 128; Special Damages, 16, 182; Spur Track, 290; Statutory Construction, 110; Taking Property, 346; Trespass, 438.
- Equity**—Clean Hands, 400; Demurrer, 364; Escrows, 128; Evidence, 364; Foreign Corporations, 128; Fraud, 364; Lien, 438; Laches, 290; Mistake of Law, 419; Multifariousness, 290; Tender, 364.
- Estates**—Dower, 438.
- Estoppel**—Acquiescence, 272; Administrative Officers, 35; Change of Decision, 382; Conveyance, 128; Duress, 128; Evidence, 200, 254, 420; Guaranty, 400; Husband and Wife, 128; Injunction, 164; Insolvent Corporation, 328; Plat, 16; Privity, 420; Record of Assignment, 254; Shipper of Animal, 438; Unrecorded Conveyance, 400.
- Exchange of Property**—False Representation, 310; Laches, 56; Presumption, 254; Rescission, 382.
- Execution**—Reversal of Judgment, 92.
- Executors and Administrators**—Assets, 400; Breach of Contract, 382; Collateral Attack, 200; Collections, 328; Discretion, 146; Equity, 56; Injunction, 382; Jurisdiction, 290; Presumption, 328; Temporary Administrator, 164; Will Contest, 164.
- Exemption**—Head of Family, 110, 164.
- Explosives**—Evidence, 110; Wanton Injury, 420.
- Extradition**—Duty of Governor, 36.
- Evidence**—Admissibility, 272.
- Factors**—Commission, 400.
- False Imprisonment**—Arrest, 92, 236; False Arrest, 310; Malicious Prosecution, 92; Private Party Requesting Arrest, 92; Respondent Superior, 236; Scope of Duty, 164.
- False Pretenses**—Expression of Opinion, 272; False Representations, 400; False Tokens, 200; Indictment and Information, 146; Reliance on, 346; Sufficiency of, 290.
- Ferries**—Trespass, 16.
- Fish**—License, 182.
- Fixtures**—Conditional Sale, 218; Machinery, 74, 310; Mortgages, 420; Removability, 74, 382.
- Food**—Action, 420; Imitations, 329; Inspection, 110; Intent, 400; Misbranding, 254.
- Forcible Entry and Detainer**—Constitutional Law, 346.
- Fraud**—Confidential Relation, 310; Damages, 182; Deceit, 420; Expression of Opinion, 382; Fiduciary Relation, 16; Fraudulent Representation, 218; Guilty Knowledge, 164; Imputable Knowledge, 310; Laches, 329; Misrepresentation, 128, 310; Negligence, 438; Opinion, 92; Performance, 400; Presumption, 254; Variance, 420; Willfulness, 254.
- Frauds, Statute of**—Acceptance, 400; Assumption of Debt, 364; Contract, 16, 128; Contract for Services, 128; Debt of Another, 92, 438; Demurrer, 16; Extrinsic Evidence, 272; Guaranty, 272; Joint Ventures, 456; Memorandum, 200; Original Promise, 310; Parol Contract, 310; Renewal of Lease, 56; Warranty, 200.
- Fraudulent Conveyances**—Antenuptial Agreement, 290; Badge of Fraud, 36; Bill of Sale, 346; Bulk Sales Law, 164; Burden of Proof, 110; Consideration, 128, 438; Conveyance to Relative, 74; Creditors, 36; Entireties, 420; Fraud, 347; Inadequate Consideration, 110; Innocent Purchaser, 16; Insolvency, 347; Intent, 128, 329; Mortgage, 438; Oral Agreement, 182, 290; Sales in Bulk, 310; Secret Trust, 200; Voluntary Conveyance, 56, 272.
- Gaming**—Gambling Device, 272, 347, 364; Statutory Construction, 110, 146.
- Garnishment**—Judgment, 456; Lawful Service, 56; Pleading and Practice, 92.
- Gas**—Deposit by Consumer, 128; Negligence, 420; Ordinance, 236; Penalties, 420; Res Ipsa Loquatur, 182.
- Gifts**—Completion, 74; Evidence, 290, 329; Intent, 329; Inter Vivos, 182; Joint Bank Account, 310; Joint Interest, 200; Offer, 310; Presumption, 93; Promissory Note, 182; Shares of Stock, 400; Validity, 36.
- Good Will**—Competition, 146.
- Guaranty**—Alteration, 272; Assumption of Debt, 438; Binding Contract, 272; Corporation, 347; Delivery, 200; Extension, 438; Failure of Consideration, 254; Insurance, 438.
- Guardian and Ward**—Conflicting Interests, 400; Desire of Parent, 36; Fraud, 400; Notice of Trust, 272.
- Habeas Corpus**—Appeal and Error, 16, 329; Conscription Act, 456; Contempt, 236; Custody of Child, 254, 456; Day in Court, 128; Extradition, 272; Jurisdiction, 56, 128; Remedy, 236; Res Judicata, 218, 236; Selective Draft, 110.
- Highways**—Access to Property, 146; Accident, 200; Automobile, 110; Change of Road, 456; Collision, 456; Dedication, 290; Drainage, 400; Husband and Wife, 128; Injunction, 200; Law of Road, 236, 254; Negligence, 254, 290; Obstruction, 17, 182, 236, 400; Proximate Cause, 364; Reckless Driving, 93; Registering Automobile, 56.
- Homestead**—Abandonment, 438; Absence of Head of Family, 272; Claim of Homestead Right, 74; Collateral Attack, 146; Estoppel, 93; Exemption, 456; Constitutional Law, 382; Head of Family, 146; Husband and Wife, 146, 164; Impressed Trust, 110; Joinder in Suit, 146; Joinder of Wife, 56; Mutual Wills, 438.
- Homicide**—Violation of Ordinance, 164.
- Husband and Wife**—Adverse Possession, 74; Alienation of Affections, 74, 347; Antenuptial Contract, 347; Assault, 218; Community Property, 17, 56, 110, 457; Contract by Wife, 17; Conveyance, 17; Divorce, 128; Eminent Domain, 56; Entirety, 382; Head of Family, 457; Indemnity, 420; Inheritance, 347; Joint Accounts, 382; Landlord's Lien, 310; Pleading and Practice, 110; Presumption, 290, 310; Separate Maintenance, 36; Separate Property, 237; Tenancy in Common, 128.
- Indictment and Information**—Demurrer, 364; Disputative "And," 310; Evidence, 110; Intoxicating Liquors, 420; Presumption, 17; Synonymous Terms, 329.
- Infants**—Compos Mentis, 17; Contracts, 457.
- Injunction**—Contempt, 364; Covenant, 128; Damages, 310; Election, 237; Equity, 347, 420; Exclusive Rights, 200; Expulsion of Pupil, 310; Forfeiture, 93; Installment Payments, 290; Interference with Employees, 110; Labor Union, 310; Laches, 272; Mandatory, 110; Negative Covenant, 383; Prejudice, 347; Premature Insurance, 237; Quo Warranto, 254; Sureties on Bond, 353; Union Labor, 110.
- Innkeepers**—Invitee, 17; Loss by Guest, 272; Negligence, 364; Rules and Regulations, 164.

Insane Persons—Attorney and Client, 333; Conveyance, 17; Next of Kin, 200; Notice, 438; Pauper, 146; Tender, 347.

Insurance—Acceptance of Risk, 290; Accident, 93, 110, 237, 290, 310, 438, 457; Actual Loss, 290; Amendment to By-laws, 200; Application, 200, 201, 457; Appraisal, 237; Assessments, 420; Bad Faith, 74; Beneficiary, 420, 457; Benefit Society, 74, 237; Breach of Condition, 128; Breach of Warranty, 74; Burden of Proof, 218, 329; Burglary, 56, 237, 273, 420, 438; By-laws, 56, 93; Cancellation, 182, 290; Changing Beneficiary, 17, 36; Classification, 272, 401; Collateral Security, 438; Concurrent Insurance, 17; Constitution and By-laws, 110; Construction of Policy, 146; Continuing Representation, 333; Contract, 273; Contribution to Injury, 290; Custom, 457; Damages, 182; Depreciated Value, 17; Description of Property, 17; Direct Loss, 457; Estoppel, 110, 146, 182, 255, 333; Execution of Contract, 164; Executory Contract, 438; Expiration, 310; Explosion, 333; Evidence, 36, 129; Evidence, *Allunde*, 182; False Representation, 237, 255; Fatal Disability, 129; Fidelity of Employee, 148; Fidelity Bond, 182; Fidelity Contract, 255; Foreign Corporations, 36, 420; Forfeiture, 215; Fraternal Society, 17, 74, 420; Fraud, 237; Ignorance of Law, 36; Incontestability, 420; Indemnity Policy, 56, 74, 129, 329, 347; Insolvency, 333; Insurable Interest, 56, 347, 364; Intentional Injury, 311; Intentional Killing, 93; Interpleader, 74; Iron Safe Clause, 183, 329, 438; Liability Policy, 36; Material Representations, 146; Malpractice, 420; Medical Services, 401; Notice of Loss, 183, 201, 311, 457; Open Policy, 421; Oral Contract, 311; Payment of Premium, 110; Permanent Loss, 56; Place of Contract, 344; Pledge, 36; Preliminary Expenses, 290; Proofs of Death, 237; Proofs of Loss, 333; Public Policy, 457; Receivership, 110; Recovery, 164; Reinsurance, 74; Relief Association, 364; Renewal of Policy, 273; Restriction on Liability, 401; Salary of Agent, 17; Sick Benefit, 36; Special Agent, 129, 183; Statutory Construction, 329; Subordinate Lodge, 290; Subrogation, 273; Suicide, 218, 438, 457; Sunstroke, 129; Suspension of Policy, 237; Theft, 255; Total Disability, 183, 291, 421; Unearned Premium, 255; Vested Interest, 311; Violation of Law, 57; Waiver, 110, 147, 183, 218, 237, 273, 421, 457; Warranty in Application, 273.

Interest—Computation, 333; Partial Payment, 218; Partnership Accounting, 57.

Internal Revenue—Alimony, 36; Stock Dividend, 183.

International Law—De Facto Government, 347; Recognition, 347.

Intoxicating Liquors—Bone Dry Law, 401; Burden of Proof, 93; Criminal Law, 111, 164; Illegal Sale, 17; Indictment and Information, 74, 273; Intent, 129; Interstate Transaction, 421; Instructions, 201; Jurisdiction, 237; License, 347; Local Option, 36, 219; Police Power, 237; Prohibition District, 401; Residence District, 421; Statutory Construction, 74; Taxation, 438; Transportation, 457.

Joint Adventures—Abandonment, 93; Accounting, 165; Contribution, 457; Termination, 438.

Judgment—Counterclaim, 439; Foreign Judgment, 36.

Landlord and Tenant—Abandonment, 364; Cancellation of Lease, 273; Common Courts, 401; Constructive Evidence, 183; Damages, 183, 457; Estoppel, 36, 57, 93, 147, 201; Eviction, 183, 255; Evidence, 219; Harvesting Ice, 93; Holding Over, 147; Implied Invitation, 291; Improvements, 401; Invitee, 17; Lease, 129, 183, 273; Negligence, 439; Option to Renew, 183; Oral Agreement, 93; Permissive Use, 237; Priority, 364; Property Leased, 57; Recoupment, 237; Renewal, 147; Repairs, 129; Respondent Superior, 74; Seed Sown on Land, 311; Sublease, 329; Terms of Years,

439; Termination of Tenancy, 457; Trade Fixtures, 74; Waiver, 129, 165.

Larceny—Asportation, 457; Bailee, 74; Intent, 165.

Libel and Slander—Candidate for Office, 147; Charging Crime, 17; Constitutional Law, 401; Epithets, 147; Evidence, 219; Exposure to Public Hatred, 237; Importing Felony, 329; Injury to Business, 165, 201; Injurious Publication, 383; Innuendo, 255; Instructions, 93, 165, 291; Libel Per Se, 17, 57, 111, 147, 439; Malice, 183; Misconduct in Office, 75; Mitigation, 57; Pleading, 219; Posting as Libelous, 347; Privileged Communication, 57, 93; Slander Per Se, 219; Special Damages, 439; Words Imparting Crime, 201.

Licenses—Delegation of Power, 255; Classification, 255; Constitutional Law, 75; Monopoly, 347; Notice, 75; Occupation Tax, 421; Occupations, 421; Regulation, 421; Taxation, 439; Trading Stamps, 36; Uniform Taxation, 347.

Liens—Priority, 349.

Life Estates—Receivership, 129; Remainderman, 383; Rentals, 383.

Limitation of Actions—Federal Employers Liability Act, 364.

Literary Property—Addressee of Letter, 75; Interpolations, 291; Unfair Competition, 347.

Livery Stable and Garage Keepers—Damages, 183, 311; Garage Defined, 255; Mechanics' Lien, 57; Principal and Agent, 219.

Logs and Logging—Common Law Lien, 75.

Lost Instruments—Notice, 273.

Malicious Mischief—Criminal Law, 383.

Malicious Prosecution—Advice of Counsel, 57; Preliminary Hearing, 201; Probable Cause, 291, 421; Evidence, 237.

Mandamus—Appeal and Error, 111; Appropriate Remedy, 93; Ballot by Soldier, 183; Banking Commissioner, 17; Discretion, 219; Drainage, 401; Election Inspectors, 255; Franchise Duties, 165; Inspection of Records, 165; Laches, 111; Pleading, 421; Prosecution in Forma Pauperis, 201; Quo Warranto, 36; Remedy, 57; Removal of Obstruction, 75; Review, 347; Right to Issue, 93; Statutory Construction, 37.

Marriage—Deceit, 273; Evidence, 364; Police Power, 401.

Master and Servant—Accident, 75, 129, 201, 291, 364; Admissions, 111; Agency, 383; "Arising Out of Employment," 17; Assumption of Risk, 37, 129, 273, 291, 311, 383, 457; Burden of Proof, 75, 129; Casual Employment, 93, 311, 439, 457; Child Labor Act, 421; Commerce, 93; Compensation, 365; Contracts, 57; Contributory Negligence, 129, 347, 439; Course of Business, 111, 421; Course of Employment, 17, 37, 57, 129, 147, 165, 237, 255; Course of Employment, 291, 329, 347, 421, 439, 457; Defective Appliances, 365; Dependency, 129, 165, 365; Direction of Verdict, 273; Discharge of Employee, 57, 347; Emergency, 165; Employee, 147; Employer Defined, 237; Employment, 201, 219; Employers Liability Act, 57, 219, 347, 365, 383, 457; Evidence, 93, 111, 165, 201; Experienced Servant, 201; Expression of Opinion, 311; Fellow Servant, 17, 93, 165; Fortuitous Death, 457; Friendly Aliens, 365; Hazardous Employment, 57, 93, 165, 255, 311, 348, 365, 401; Hours of Service, 93, 129; Implied Agreement, 201; Imputed Knowledge, 111; Imputable Negligence, 291; Independent Contractor, 75, 237, 255, 311, 401, 421, 439; Infancy, 291; Injury by Third Person, 237; Insanity, 329; Inspection, 348; Instructions, 219; Insurance Fund, 201; Interstate Commerce, 57; Interstate Employment, 329; Intoxication, 311; Invitee, 348; Involuntary Servant, 183; Joinder as Defendants, 37; Jury Question, 75; Limitation of Actions,

- 57; Look and Listen, 312; Measure of Damages, 291; Minimum Wage, 312; Negligence, 17, 93, 401, 421; Notice, 165; Obvious Danger, 147; Ordinary Care, 333; Parent and Child, 401; Partial Loss, 329, 348; Permanent Loss, 365; Pleading and Practice, 237, 421; Presumption of Agency, 273; Prima Facie Negligence, 401; Protection of Employees, 383; Proximate Cause, 165, 291, 401; Public Officer, 75; Quantum Meruit, 312; Relief Association, 401; Renewal of Employment, 18; Res Ipsa Loquitur, 37, 57, 237, 383; Respondent Superior, 37, 57, 58, 75, 201, 291, 329, 365, 383; Respondent Superior, 401, 421, 439, 457; Safety Appliance, 37, 238; Safe Place to Work, 129, 147, 183, 238, 255, 401, 421; Scope of Employment, 165, 183, 273, 312; Simple Tool, 18, 291; Statutory Construction, 58, 383; Suitable Appliances, 165; Unsafe Appliance, 273; Venue, 255; Volunteer, 75, 329, 365; War Conditions, 255; Warning, 37, 147, 183, 273, 329; Workmen's Compensation Act, 18, 37, 58, 75, 93, 111, 129, 130, 147, 165, 183, 201, 238, 291, 312, 329, 365, 401, 421, 439, 457, 458; Wrongful Discharge, 111, 219.
- Mechanics' Liens**—Contract, 255; Default, 383; Destruction of Building, 147; Intervening Petition, 329; Materialman, 273; Statutory Authority, 238; Statutory Compliance, 255.
- Mines and Minerals**—Cancellation, 439; Coal in Place, 183; Contract, 219; Forfeiture, 458; Interest in Land, 311; Lease, 18, 37; Mineral Land, 255; Option, 291; Quiet Enjoyment, 75; Waiver, 201.
- Monopolies**—Abstract Business, 458; Board of Trade, 348; Exclusive Rights, 201.
- Mortgages**—Advertisement of Sale, 75; Assumption of Debt, 311; Consideration, 348; Cutting Timber, 439; Estoppel, 348; Evidence, 273; Foreclosure, 401, 421; Future Advances, 165; Improvements, 147; Junior Mortgage, 238; Mechanics' Liens, 284; Multiplicity of Suits, 365; Parties to Action, 255; Payment, 238; Priority, 75; Recitals, 439; Record Title, 18; Redemption, 18, 75; Relation Back, 94; Substituted Trustee, 402; Surrender Clause, 365.
- Municipal Corporations**—Abutting Owner, 18, 291, 311, 402; Appointment to Office, 37; Assessment, 75; Authority of Officer, 75; Automobile, 238; Barriers in Streets, 94; Bonded Indebtedness, 76; Bond of Officer, 384; Building Regulations, 111, 311; City Park, 402; Civil Service Law, 421; Collision, 111; Constitutional Law, 94, 458; Contract, 457; Contributory Negligence, 37, 76, 201, 219, 273, 384, 402, 422, 439; Culpable Negligence, 147; De Facto Officer, 330; Discretion, 130; Discriminating Ordinance, 201; Drainage, 311; Due Care, 348; Electric Lighting Plant, 311; Emergency, 183; Estoppel, 255; Evidence, 111, 255, 365; Excessive Speed, 311; Extension of Boundaries, 365; Franchise, 256; Governmental Powers, 291, 384, 402; Imputable Negligence, 348; Independent Contractor, 384; Instructions, 37, 422; Intoxication, 130; Joy Riding, 256; Last Clear Chance, 273; Licensee, 130; Nuisance, 130; License for Jitney, 291; Materialman's Lien, 147; Motor Vehicles, 422; Negligence, 37, 76, 111, 166, 291, 311, 402, 458; Non-user, 402; Nuisance, 58, 76, 111, 311; Ordinance, 18, 37, 58, 111, 166, 330; Ordinary Care, 311; Paving Contract, 94; Plats, 94; Pollution of Water, 256; Proximate Cause, 58, 111, 147; Public Highway, 422; Public Officer, 311; Public Use, 76, 348; Punitive Damages, 147; Registration of Motor Vehicles, 130; Repair of Streets, 58; Res Gestae, 18; Resulting Damage, 422; Right of Way, 273; Sidewalks, 130; Special Assessment, 111; Speed Regulations, 94, 147; Statutory Construction, 94; Street Assessment, 94, 147, 348; Street Grading, 130; Street Obstructions, 201, 348; Streets and Highways, 238; Streets and Sidewalks, 202; Traffic Ordinance, 147, 402; Trees Bordering Sewer, 147; Unguarded Sidewalk, 365; Vacating Alley, 58; Workmen's Compensation Act, 458.
- Names**—Change of, 76; Idem Sonans, 94; Presumption, 422; Variance, 330.
- Navigable Waters**—Interstate Boundary, 348; Land Under Water, 273; Marshes, 18; Soil in, 37; Submerged Land, 330.
- Negligence**—Accident, 18; Anticipating Injury, 94; Attractive Lures, 439; Burden of Proof, 202; Common Agency, 312; Dangerous Position, 365; Duty of Master, 166; Employers' Liability Act, 183; Evidence, 238; Gratuitous Service, 365, 458; Implied Invitation, 76; Imputability, 18, 37; Intervening Cause, 365; Invitee, 166, 365; Jury, 402; Licensee, 166, 402; Mitigating Damages, 166; Notice of Defect, 58; Presumption of Death, 348; Proximate Cause, 312, 422; Rescue, 219; Res Ipsa Loquitur, 365; Statutory Construction, 147.
- Nuisance**—Injunction, 111; Similar Business, 256.
- Parent and Child**—Automobile, 402; Custody, 111; Custody of Estate, 166; Emancipation, 330; Failure to Provide, 330; Irrevocable Contract, 166; Necessaries, 112; Stepdaughter, 439.
- Parties**—Joinder of, 94; Joint Duty, 202.
- Partition**—Action for, 130.
- Partnership**—Accounting, 58; Contract, 184; Non-trading Firm, 37; Profits, 219; Ratification, 219; Successorship, 219.
- Payment**—Duress, 112; Implied Warranty, 402; Presumption, 384; Voluntary, 291.
- Perjury**—Good Faith, 37.
- Perpetuities**—Rule Against, 202, 274.
- Physicians and Surgeons**—Aggravation of Injury, 112; Negligence, 384; Practicing Medicine, 184.
- Pleading and Practice**—Power of Attorney, 76.
- Pledges**—Bona Fide Purchaser, 458; Commercial Paper, 274; General Title, 112.
- Principal Agent**—Architect, 58; Attorney and Client, 238, 422; Breach of Contract, 58; Change of Employment, 384; Counterclaim, 18; Evidence, 130, 365, 440, 458; Imputability, 274, 330; Master and Servant, 76; Misrepresentation, 291; Mutual Mistake, 184; Notice, 166, 248; Novation, 292; Power of Attorney, 365; Proof of Agency, 130; Ratification, 184; Scope of Agency, 112, 130, 202, 274, 348; Sub-agents, 37; Traveling Salesman, 422.
- Principal and Surety**—Accommodation, 312; Bond on Condition, 440; Extension of Time, 458; Release, 292; Signatures, 94.
- Process**—Usual Place of Abode, 94.
- Public Lands**—Mortgage, 458.
- Public Service Commission**—Rates, 312.
- Railroads**—Acceptance of Charter, 256; Closing Street, 422; Consolidation, 184; Contributory Negligence, 37, 202, 292, 365; Crossing, 130, 166, 366, 422; Crossing Accident, 184, 219, 366; Discovered Peril, 274; Evidence, 148, 274; Guarding Crossing, 366; Injunction, 274, 292; Interstate Train, 440; Last Clear Chance, 112, 330; Licensees, 94, 274, 402; Look and Listen, 18, 330, 366, 422; Mechanics' Lien, 112; Negligence, 274; Nuisance, 330; Obstructing View, 312; Ordinary Care, 274, 366; Proximate Cause, 238, 256, 402, 422; Public Policy, 312; Right of Way, 112, 202; Setting Out Fire, 440; Spur Tracks, 219; Stoppage of Trains, 348; Switching Operation, 166; Trespasser, 202, 238; Wanton Destruction, 94.
- Receivers**—Appointment of, 94, 274; Attorney at Law, 184; Auditing Accounts, 422; Landlord and Tenant, 440; Priority, 366.
- Receiving Stolen Goods**—Guilty Knowledge, 256.
- Reference**—Prima Facie Evidence, 312.

Reformation of Instruments—Accommodation Note, 348; Evidence, 312; Laches, 18; Obvious Mistake, 184.

Release—Avoidance of, 458; Consideration, 292; Construction of, 38, 256, 274; Fraud, 274; Inadequate Consideration, 348; Joint Tortfeasor, 202; Misrepresentation, 256.

Religious Societies—Trust Impressed, 38.

Removal of Causes—Diversity of Citizenship, 256; Filing Petition, 148, 166; Separable Controversy, 366.

Replevin—Tender, 112.

Robbery—Variance, 112.

Sales—Acceptance, 38; Breach of Contract, 184, 219, 274, 348, 366, 402; Breach of Warranty, 166, 312; Completion of Sale, 330; Consideration, 202; Consummation, 76; Contract, 38, 274, 292, 440; Counterclaim, 112; Countermanding Order, 384; Damages, 220, 440; Delivery, 148; Description of Property, 256, 422; Duty of Acceptance, 112; Evidence, 184, 274; Express Warranty, 112, 402; Failure of Consideration, 58; False Representations, 292; Fictitious Purchaser, 348; Fixtures, 38; Fraud, 18, 402; Fraudulent Statement, 130; Future Shipment, 366; Gift, 292; Guaranty, 18; Identifying Property, 184; Illegality, 402; Implied Warranty, 440; Instructions, 166, 202; Manufactured Goods, 76; Meeting of Minds, 112; Minimizing Loss, 202; Mutuality, 422; Notice of Delivery, 220; Notify Bill of Lading, 18; Passing Title, 220; Perishable Goods, 148; Redelivery, 292; Removal After Rejection, 38; Rescission, 38, 202; Reservation of Title, 38, 148; Speculative Contract, 18; Speculative Damages, 184; Stipulations, 166; Tender, 440; Time of Essence, 220; Transfer of Title, 440; Undisclosed Principal, 220; Variance, 402; Vendor and Purchaser, 220; Waiver, 76; Warranty, 220, 256, 440.

Set-off and Counter Claim—Money Had and Received, 94.

Sheriffs and Constables—Exemptions, 312; Personal Liability, 440.

Shipping—Breach of Warranty, 402.

Specific Performance—Contract for Will, 130, 292; Enforceability, 458; Equity, 112; Evidence, 38, 422; Fraudulent Intent, 312; Ground of Recovery, 148; Honest Mistake, 256; Husband and Wife, 292; Mutuality, 384; Non-suit, 220; Oral Contract, 220; Sale, 440; Sale of Chattels, 458; Unsigned Memoranda, 184.

Statutes—Alterations of, 220; Ambiguities, 256.

Stipulation—Breach of, 384.

Street Railroads—Acquiescence, 384; Collision, 220; Contributory Negligence, 130, 366, 440, 458; Crossing Accident, 18; Estoppel, 38; Evidence, 202, 274; Franchise Duty, 166; Last Clear Chance, 38, 148; Look and Listen, 184; Negligence, 18, 238, 384; Right of Way, 330.

Subrogation—Foreclosure, 440; Mistake of Fact, 458; Right to, 148; Surety to Contractor, 202.

Sunday—Contract, 130; Moving Picture Show, 166; Profit on Amusement, 220; Ratification, 202; Statutory Construction, 148; Transactions on, 256; Unlawful Sales, 76.

Surety Company—Estoppel, 330.

Taxation—Burden of Proof, 220; Excise Taxes, 348; Inheritance Tax, 312; Lien, 312; Non-resident, 38; Tax Sale, 220.

Telegraphs and Telephones—Change in Service, 256; Contracts, 440; Contributory Negligence, 166; Delay, 112, 292; Delivery of Message, 238; Elevation of Wires, 148; Evidence, 440; Facilities, 220; Instructions, 148; Liability, 148; Limitation of Liability, 148; Mistake in Transmission, 366; Minimizing Loss,

202; Notification to Sender, 184; Ordinary Care, 94; Punitive Damages, 220; Rates, 112, 366; Refusal to Pay Charges, 220; Sender and Addressee, 292; Taxation, 148; Undisclosed Principal, 166; Unrepeated Message, 238.

Tenancy in Common—Reasonable Time, 292.

Tender—Place of, 184.

Theaters and Shows—Administrative Tribunal, 238.

Time—Computation, 238; Holiday, 312; Sunday, 440.

Trade Unions—Right to Form, 112.

Trespass—Honest Mistake, 76.

Trover and Conversion—Bond in Replevin, 58; Damages, 58; Evidence, 202, 238; Pleading, 220; Right of Action, 148; True Owner, 58.

Trusts—Confidential Relation, 292; Direction by Trustor, 148; Evidence, 166, 274, 330, 402; Express Trust, 18; Extraordinary Dividend, 274; Implied Trust, 384; Joint Judgment, 292; Laches, 184, 366; Notice, 184; Parol Evidence, 184; Party in Interest, 76; Perpetuities, 366; Power of Appointment, 422; Resulting Trust, 166, 384; Reversion, 220; Settlor, 220; Tenancy by Entireties, 220; Termination, 38.

Vendor and Purchaser—Abandonment of Contract, 374; Defense, 94; Deficiency, 274; Estoppel, 130; Evidence, 18, 202, 256; Exchange, 76; Executory Contract, 18, 220; False Representation, 292; Fraud, 366; Front Foot, 256; Husband and Wife, 292; Implied Agreement, 330; Installments, 220; Marketable Title, 256; Notice of Lien, 184; Option, 422; Parol Agreement, 76; Parol Gift, 292; Promoter, 330; Rescission, 112, 148, 256, 292; Reservation in Deed, 112; Tender of Deed, 238; Vendor's Lien, 292.

War—Alien, 18, 38; Espionage Act, 112, 440; Trading with Enemy, 366.

Warehouseman—Burden of Proof, 58.

Waters and Water Courses—Abandonment, 130; Agency, 366; Ambiguity in Decree, 76; Appropriation, 402; Diversion, 112; Enforcing Rates, 366; Franchise, 238; Liability for Injury, 202; Mandatory Injunction, 148; Option, 130; Pollution, 238; Private Water Rights, 330; Public Service Company, 348; Rates, 330; Reasonable Detention, 458; Riparian Rights, 38, 148, 422; Surface Water, 76; Wrongful Diversion, 38, 312.

Weapons—Unlawful Carrying, 292.

Wills—Ademption, 38; Adopted Child, 312; Annulment, 366; Attestation, 402; Bequest, 422; Burden of Proof, 38; Capacity, 274; Children, 366; Child en ventre sa mere, 292; Codicil, 238; Construction, 58, 148, 166, 274, 330, 366; Contest, 38, 384; Contract, 38, 76; Corpus and Income, 292; Defeasible Fee, 94; Description of Property, 440; Devise, 94, 220, 458; Domicile, 330; Estate Tail, 38; Evidence, 202; Expert Testimony, 184; Extrinsic Documents, 256; Forfeiture of Rights, 202; Guardian, 112; Homestead, 94; Insanity, 312; Intent, 38, 130; Issue, 766; Jurisdiction, 220; Legatees, 440; Life Estate, 38, 130, 458; Lunacy, 384; Mutual Wills, 58; Pleading and Practice, 76; Postponed Enjoyment, 202, 256; Power of Appointment, 312; Presumption of Insanity, 76; Remainder, 366; Res Judicata, 330; Residuary Estate, 58, 148; Revocation, 166; Spendthrift Trust, 384; Statutory Construction, 384; Testamentary Capacity, 148, 384; Testamentary Character, 256; Trust, 94; Undue Influence, 166; Unincorporated Association, 130; Voluntary Transfer, 238; Wife's Estate, 130; Words for Limitation, 458.

Witnesses—Wife, 366.

Work and Labor—Substantial Performance, 58.

Workmen's Compensation Act—Casual Employee, 384.



